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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,035

02/03/2004

Michael K. Saltz

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07/03/2007

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,035

Applicant(s)

SALTZ, MICHAEL K.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5.7/05; 2/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication 11/13/2006. Claims 1 – 37 were received for consideration. No preliminary amendments were filed. Claims 1 – 37 are currently pending.

Information Disclosure Statement

2. Three initialed and dated copies of Applicant's IDS form 1449 are attached to the Office action.

Drawings

3. Figure 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 37 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 46 of U.S. Patent No. 6,418,444.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 37 correspond to the claims of 1 – 46 of the patent claims, except in the instant claims the elements "a first application", "a second application" and "first firewall control block", are referred in the patent claims as "computer program" and "a firewall".

It would have been obvious to one having ordinary skill in the art to recognize that "a first application and a second application" are equivalent to "computer program"

and "first firewall control block" is equivalent to "a firewall. Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

5. Claims 1 – 37 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 69 of U.S. Patent No. 6,742,006.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 37 correspond to the claims of 1 – 69 of the patent claims, except in the instant claims the elements "a first application", "a second application" and "first firewall control block", are referred in the patent claims as "computer program" and "a firewall".

It would have been obvious to one having ordinary skill in the art to recognize that "a first application and a second application" are equivalent to "computer program" and "first firewall control block" is equivalent to "a firewall. Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

6. Claims 1 – 37 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 22 of U.S. copending application No. 10/743,929. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 37 correspond to the claims of 1 – 22 of the patent claims and patent claims encompasses the scope of Claims 1 – 37 of the instant application.

The instant application generally claims a computing environment comprising a virtual machine, a first application operating on said virtual machine and a first firewall control block. Copending application 10/743,929 claims similar limitations except "further defines the access privilege of said second application with respect to said first application". However, copending application claims, "a first firewall control block, wherein said first firewall control block defines access privileges of said first application", which is equivalent to the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery et al. (U.S. Patent Number 7,127,605).

8. As per Claims 1, 7 and 14, Montgomery teaches “a virtual machine; a first application operating on said virtual machine (Summary and Column 3 lines 28 – 42); a second application operating on said virtual machine; and a firewall control block, wherein said firewall control block includes one or more of the following: a first firewall control block portion, wherein said first firewall control block portion defines access privileges of said first application with respect to said second application, and further defines the access privileges of said second application with respect to said first application. a second firewall control block portion, wherein said second firewall control block portion includes: an associate security identification portion that identifies one or more associates of said first application as identified associates, wherein each one of said one or more identified associates has access privilege with respect to said first application (Summary; Column 3 lines 28 – 42 and Column 5 lines 4 – 52); an access-operations portion that for each one of said one or more identified associates identifies one or more access operations that have been allowed (Column 4 lines 3 – 20) “.

9. As per Claim 10, Montgomery teaches “receiving a request from a first JavaTM compliant applet operating on JavaTM virtual machine to perform an operation on a second JavaTM compliant applet, said request including a security identifier that identifies said first JavaTM compliant applet; reading a firewall control block associated with said second JavaTM compliant applet (Summary and Column 3 lines 28 – 42);

determining whether said firewall control block defines said security identifier as an associate of said second Java™ compliant applet; and denying access to said first Java™ compliant applet when said determining determines that control block does not define said security identifier as an associate (Column 3 lines 28 – 42 and Column 4 lines 3 – 20)".

10. As per Claim 21, Montgomery teaches "virtual machine; one or more applications operating on said virtual machine; and one or more security context blocks provided for said one or more applications, wherein each of said one or more security context blocks include: a security identification (Summary and Column 3 lines 28 – 42); and

a cryptographic system that can be used to perform cryptographic operations, wherein said cryptographic operations include cryptographic operations that can be performed on said security identification (Column 4 lines 3 – 20)".

11. As per Claim 27, Montgomery teaches " providing a security context that includes a security identification and a cryptographic system; receiving from a first Java™ compliant applet a request to perform an operation on a second Java™ compliant applet, wherein the request includes a first security identification determining whether said first Java™ compliant applet can be authenticated (Summary and Column 3 lines 28 – 42); and

presenting the first security identification to said second Java™ compliant applet only when said determining determines that said first security identification can be authenticated (Column 4 lines 3 – 20)".

12. As per Claim 32, Montgomery teaches "providing a cryptographic system for a first Java™ compliant applet, wherein said cryptographic system includes cryptographic keys, wherein said cryptographic keys are suitable for performing cryptographic operations using cryptographic algorithms (Summary and Column 3 lines 28 – 42); and using, by said first Java™ compliant applet, said cryptographic, to perform a cryptographic operation on computer readable data; wherein said cryptographic operation is performed by said first Java™ compliant applet without user intervention (Column 4 lines 3 – 20)".

13. As per Claim 33, Montgomery teaches "providing a cryptographic system, wherein said cryptographic system includes cryptographic keys, and wherein said cryptographic keys are suitable for performing cryptographic operations using cryptographic algorithms (Summary and Column 3 lines 28 – 42); and

receiving a request from a first component to access a resource of said Java™ compliant computing environment; and using said cryptographic system to perform at least one cryptographic operation to determine whether said first component should be granted access to said resource (Column 4 lines 3 – 20)".

14. As per Claim 2, Montgomery teaches "one or more identifiers that have been assigned to said one or more identified associates; and wherein for each one of said one identifiers, one or more operations have been defined in said access-operations portion (Column 3 lines 28 – 42)".

15. As per Claim 4, Montgomery teaches “wherein said computing environment includes a second application operating on said virtual machine, wherein said first firewall control block includes a security ID of said second application, thereby indicating that said second application is an identified associate of said first application, and wherein said first firewall control block also includes one or more operations that have been defined for said second application, thereby indicating what operations can be performed by said second application on said first application (Column 5 lines 2 – 52)”.

16. As per Claim 8, Montgomery teaches “wherein said mobile device is a JavaTM compliant smart card (Column 3 lines 28 – 42)”.

17. As per Claim 11, Montgomery teaches “wherein said method further comprises: determining whether said firewall control block defines said operation as an operation that should be allowed when said determining determines that said firewall control block defines said security identifier as an associate; and granting access to said first JavaTM compliant applet to perform said operation on said second JavaTM compliant applet when said determining determines that said firewall control block defines said operation as an operation that should be allowed (Column 5 lines 2 – 52)”.

18. As per Claim 15, Montgomery teaches “wherein said first firewall control block portion includes a firewall control value and a firewall control indicator (Column 3 lines 28 – 42)”.

19. As per Claim 17, Montgomery teaches "wherein said first firewall control block portion includes a plurality of firewall control values and a plurality firewall control indicators (Column 5 lines 2 – 52)".

20. As per Claim 18, Montgomery teaches "wherein said first firewall control block portion includes first and second firewall control values and first and second firewall control indicators, wherein the first firewall control value and indicator indicate access privileges of said first application to said second application, and wherein said second firewall control value and indicator indicate access privileges of said second application to said first application (Column 5 lines 2 – 52)".

21. As per Claim 19, Montgomery teaches "wherein said computing environment is a Java™ compliant computing environment, and wherein said first and second applications are Java™ compliant applets (Column 3 lines 28 – 42)".

22. As per Claim 22, Montgomery teaches "wherein said security identification includes one or more security identifiers have been assigned to said one or more applications, and wherein said cryptographic system includes: one or more keys; one or more key management information that provide information with respect said one or more keys; and one or more algorithm identifiers that identify what cryptographic algorithm should be used (Column 3 lines 28 – 42 and Column 4 lines 3 – 20)".

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23. As per Claim 28, Montgomery teaches “wherein said determining of whether said first Java™ compliant applet can be authenticated comprises: verifying an encrypted string (Column 4 lines 3 – 20)”.

24. As per Claim 29, Montgomery teaches “wherein said determining whether said first Java™ compliant applet can be authenticated comprises: sending a random string to said first Java™ compliant applet; encrypting, by said first Java™ compliant applet, said random string to generate a encrypted string; decrypting said random string to generate a decrypted string; and determining whether said decrypted string matches said random string (Column 4 lines 3 – 20)”.

25. As per Claim 30, Montgomery teaches “wherein said authentication can be performed without a configuration file (Column 4 lines 3 – 20)”.

26. As per Claim 31, Montgomery teaches “wherein said authentication can be performed without user intervention (Column 4 lines 3 – 20)”.

27. As per Claim 34, Montgomery teaches “wherein said first component is a host application that is attempting to access a resource (Column 3 lines 28 – 42)”.

28. As per Claim 36, Montgomery teaches “wherein said first component is a Java™ applet (Column 3 lines 28 – 42)”.

- 29.** As per Claim 3, Montgomery teaches “wherein said one or more operations include read, write, delete, create, and update operations (Column 3 lines 28 – 42)”.
- 30.** As per Claim 5, Montgomery teaches “wherein said computing environment is a JavaTM compliant computing environment, and wherein said first and second applications are JavaTM compliant applets (Column 3 lines 28 – 42)”.
- 31.** As per Claim 6, Montgomery teaches “wherein said computing environment is a JavaTM compliant computing environment, and wherein said first firewall control block is implemented in the run time environment (Column 5 lines 4 – 52)”.
- 32.** As per Claim 9, Montgomery teaches “wherein a firewall control block is defined for every JavaTM compliant applet that operates on said JavaTM compliant virtual machine (Column 3 lines 28 – 42)”.
- 33.** As per Claim 12, Montgomery teaches “wherein said method further comprises: providing a reference to said first JavaTM compliant applet with a reference to said second JavaTM compliant when access is granted (Column 3 lines 28 – 42)”.
- 34.** As per Claim 13, Montgomery teaches “wherein said providing of a reference comprises: invoking a first method that is implemented as a part of JavaTM management (or system) environment; and invoking a second method that is implemented as an applet class, as a result of said invoking of the second method (Column 3 lines 28 – 42)”.
- 35.** As per Claim 16, Montgomery teaches “wherein said firewall control value is an access privileges control value represented by one or more bytes, and wherein said firewall control value is an indicator value represented by one or more bytes that

indicate how the firewall control value should be interpreted with respect to access privileges of other applications (Column 4 lines 3 – 20)".

36. As per Claim 20, Montgomery teaches "wherein said computing environment is a JavaTM compliant computing environment, and wherein said first firewall control block is implemented in JavaTM run time environment (Column 3 lines 28 – 42)".

37. As per Claim 23, Montgomery teaches "wherein said cryptographic operations include digital signatures, verification, encryption, decryption, and authentication (Column 4 lines 3 – 20)".

38. As per Claim 24, Montgomery teaches "wherein said cryptographic system includes one or more cryptographic operation identifiers that identify one or more cryptographic operations associated with said one or more keys (Column 4 lines 3 – 20)".

39. As per Claim 25, Montgomery teaches "wherein said computing system further includes: an encryptor that operates to encrypt a first string using one or more of said keys to generate an encrypted string; a decryptor that operates to decrypt said encrypted string; and a verifier that operates to determine whether the decrypted string can be verified (Column 4 lines 3 – 20)".

40. As per Claim 26, Montgomery teaches "wherein said computing environment further comprises: a JavaTM management applet that can operate to authenticate a security identification transmitted (Column 3 lines 28 – 42)".

41. As per Claim 35, Montgomery teaches "wherein said Java™ compliant computing environment is a Java™ (Column 3 lines 28 – 42)".

42. As per Claim 37, Montgomery teaches "wherein said Java™ compliant computing environment is a Java™ (Column 3 lines 28 – 42)".

Conclusion

43. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

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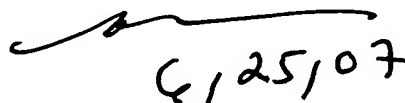
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

June 23, 2007.

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6,25,07